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In re Application of: <b>Yin L. Cheung, Michael J. Zeitlin and Mark Acosta</b>		
Application No.: <b>10/806,980</b>		
Filed: <b>March 23, 2004</b>		
For: <b>System and Method for Analyzing and Imaging Three-Dimensional Volume Data Sets Using A Three-Dimensional Sampling Probe</b>		
<p>The owner, <b>Magic Earth, Inc.</b>, of <b>100</b> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <b>6,785,570</b> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is held unenforceable;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is reissued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input checked="" type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. _____</p> <p style="text-align: center;">           Signature       </p> <p style="text-align: center;"> <b>Peter Bernard</b>          Typed or printed name       </p> <p style="text-align: right;"> <b>1/6/05</b>          Date       </p> <p style="text-align: right;">_____ Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p><small>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</small></p>		

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## STATEMENT UNDER 37 CFR 3.73(b)

JAN 6 2005

Applicant/Patent Owner: Magic Earth, Inc.

Application No.

Filed Date: Concurrently Herewith

Entitled: System and Method for Analyzing and Imaging Three-Dimensional Volume Data Sets Using A Three-Dimensional Sampling Probe

Magic Earth, Inc.,  
(Name of Assignee)

a corporation  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ The assignee of the entire right, title, and interest; or  
 2. ☐ An assignee of less than the entire right, title and interest. The extent (by percentage of its ownership interest is \_\_\_\_\_ % in the patent application/patent identified above by virtue of either:  
 A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at \_\_\_\_\_, or for which a copy thereof is attached.

Or

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Cheung, Yin and Zeitlin, Michael To: Texaco Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 0337, Frame 0743 Or for which a copy thereof is attached.

2. From: Texaco, Inc. To: Magic Earth, LLC  
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3. From: Magic Earth, LLC To: Magic Earth, Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
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4. From: Acosta, Mark To: Magic Earth, Inc.  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
 [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date

(713) 227-8008

Telephone Number

William P. Jensen  
Typed or Printed Name

Signature

Agent  
Title

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